

May 19, 2006

Town of Lincoln – Planning Board

100 Old River Road

Lincoln, RI 02865

Dear Honorable Members,

On May 16, 2006 at 2:30 pm, the Technical Review Committee met to review the agenda items for the May 24, 2006 Planning Board meeting. In attendance were Al Ranaldi, Russell Hervieux, Kim Wiegand, Peggy Weigner, and Diane Hopkins. Also in attendance representing projects on the agenda was Joshua Rosen from Commonwealth Engineering, John Mancini from the Law Office of Michael Kelly, and Thomas McNulty. Below are the Committee's recommendations:

Major Subdivision Review

a. Bank RI AP 28 Lot 51 Public Hearing – 7:15 PM

- Bank RI George Washington Hwy Preliminary Plan Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into three commercial lots. The

proposed project is classified as a Major Subdivision due to the project's need for zoning relief which was granted on April 4, 2006. This project is in front of the Planning Board for a Public Hearing and a Preliminary Plan discussion. On April 10, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Preliminary Plan review must be made by August 9, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The preliminary plan submission included a plan entitled "Site Plan for Proposed Subdivision of Land, Bank RI", AP 28, Lot 51, 629 George Washington Highway, Lincoln, Rhode Island, prepared for Bank Rhode Island by Joe Casali Engineering, Inc., dated December 2005 and last revision noted on March 2006. Also received was a report entitled "Project Narrative" Bank RI Proposed Subdivision of Land AP 28 Lot 51 prepared for the above owner by the above consultant dated March 2006. In addition, a letter was received from Casali Engineering, Inc. dated March 2, 2006 to the Narragansett Bay

Commission for a Sanitary Sewer Discharge Permit. Also included are proposed deed descriptions for the permanent rights-of-ways developed for the land locked lot in the rear. Below are the TRC concerns.

Site plan - The proposed temporary nature of the landlocked lot 1 is not guaranteed. In order not to create potential problems, the following (potentially defeasible) easements must be granted in the private 40 foot wide right of way shown on the plan as a condition of approval:

- 1. Vehicular/pedestrian access to and from George Washington Hwy for lot 1 across lot 2.**
- 2. Vehicular/pedestrian access to and from George Washington Hwy for lot 3 across lot 2.**
- 3. Sanitary sewer connection for lots 2 and 3 through lot 1.**
- 4. Water service for lot 1 through lot 2.**

The applicant has included deed descriptions for proposed rights-of-ways. The TRC recommends that these easements be reviewed by the Town's solicitor's office.

Groundwater - It is recommended that finished floors or basements of any proposed buildings must be set above the seasonal high ground water elevation since the discharge of excess groundwater could adversely impact adjacent properties if not directed to the State Highway drainage system. This must be a condition of approval for the subdivision.

Wetlands - The consultant has flagged wetlands on site. An application for verification of the wetlands has been requested from RI Department of Environmental Management (RIDEM) to confirm the type and extent of any wetlands. This must be a condition of approval for the subdivision. When any construction work is proposed, the project may need to obtain a RIDEM Wetlands Preliminary Determination permit.

Traffic - In the above report, the consultant has concluded that no RI Department of Transportation (RIDOT) Physical Alteration Permit (PAP) is required at this time. The land use will be changed by this subdivision. Land use changes trigger a PAP. However, the PAP will need to be filed when a specific, proposed use is identified. Such a permit will be required as condition of a building permit.

Utilities - Approval from NBC is required as a condition of preliminary plan approval. An easement is required to connect proposed lot 3 to the NBC interceptor sewer shown on the plans. The Lincoln Water Commission (LWC) superintendent has communicated to the Town Engineer (telephone conversation 1/13/06 and in a written letter dated March 7, 2006 to the project engineer) that public water service is available to this subdivision but at this time, the applicant is not proposing any construction or water services for this subdivision. However, any new lots will be required to submit a plan for preliminary approval of a new service which meets LWC

requirements. While no new water services are requested, the LWC did request three conditions of approval of the proposed subdivision.

The conditions are as follows:

1. An updated plan showing all existing easements and water lines, including the end of Wake Robin Road to the south of the proposed Lot 1.
2. A dedicated 20 foot wide easement from George Washington Highway to Wake Robin Road for the future connection of the existing 8-inch water line servicing the Dunkin Donuts to the 8-inch water main in Wake Robin Road.
3. Any future construction will be required to loop the water lines through the easement.

Drainage - Drainage towards George Washington Highway will be reviewed by RIDOT as part of the PAP. Drainage design from the future construction in the subdivision must include no increase of storm water onto any Town roads or infrastructure so as not to cause or exacerbate any drainage problems down gradient of the site.

The applicant has received, reviewed, and accepted the above noted comments at the Master Plan phase of this project. The applicant has already begun to address the concerns. As presented above, the applicant is at Preliminary Plan phase which requires a public hearing. The TRC feels if the public hearing goes well and the applicant agrees to the above noted conditions of approval, the Technical Review Committee recommends Approval with Conditions

of this Preliminary Plan Subdivision.

**b. Sables Road Subdivision – Phase 1 AP 44 Lot 33 Preliminary Plan
- Leslie W. Sables Angell and Whipple Road Discussion /
Approval**

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into 17 single-family residential lots. The project is proposed to be reviewed in two phases. Phase one represents the development of 9 single-family residential lots and one new cul-de-sac. Phase two presents the development of 6 single-family residential lots. On April 26, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Phase one of the Preliminary Plan must be made by August 24, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division has reviewed the proposed development according to the Lincoln Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The latest submission included a set of 21 sheets entitled

“Preliminary Plan Submission for Phase I, Sables Road Subdivision”, Lincoln Rhode Island, AP 44 Lot 33, prepared for Leslie W. Sables by Commonwealth Engineers & Consultants, Inc., dated May 5, 2006. Additional material received includes a report entitled “Stormwater Management Analysis” revision date October 28, 2005 prepared by the above consultant for the above applicant. Soil evaluation logs performed by a certified soil evaluator were previously reviewed.

Wetlands

The proposed subdivision requires an approval from Department of Environmental Management (RIDEM) Wetlands. The Town sent a letter in December 2005 to RIDEM Wetlands notifying them that the developer has the authorization from the Town to include improvements to East Lantern Road and Lantern Road in Lincoln as a part of their application. According to the applicant’s consultant, the permit application is pending. A RIDEM Wetlands permit that includes both Phases 1 and 2 is required as a condition of approval.

Drainage

There are existing drainage problems and seasonal high groundwater in the area of the project. The Town has reviewed the drainage report for the proposed development. The two detention basins and the drainage collection system have been sized and located so as to mitigate is storm water flow from the site. Phase 2 must show the swale in front of the proposed lots on East Lantern Road to be maintained by the individual property owners as a restriction on their

deeds.

Groundwater

Groundwater is a significant problem in this area. No form of subdrains will be allowed to drain onto the road or abutting properties. The Town Engineer did not witness the excavations; however, the engineer submitted information from a certified soil evaluator for test pits in the locations of the two proposed detention basins and other locations. The bottom of the two detention basins appears to be set above the seasonal high ground water elevation. A condition of any approval must also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation.

Sanitary Sewers

The design as well as the ownership, maintenance and operation of the proposed pumping station will be through a private homeownership association. The TRC and the Town has reviewed this option and consider this arrangement to be acceptable. The association agreement must be approved by the Town solicitor as a condition for approval. The design and specifications for the pump station must be approved by the Department of Public Works. The force main and gravity sewers in the public road and utility easements are proposed to be owned and maintained by the homeowners association and accessible to the Town in case of an emergency. The developer must also provide a generator for the

Rollingwood pump station, as agreed in discussions May 2006 between the Department of Public Works, the applicant and his attorney, as a part of mitigating the impact to the existing area's collection system. This item is included in Phase 1. Preliminary approval will require approval from Narragansett Bay Commission for sewer discharges as a condition of approval.

Public Water Service

The developer stated that he has negotiated an acceptable waterline design with the Lincoln Water Commission (LWC). The homeowners association will be responsible for the water lines within the development. The Town has not yet received any written approval for the project from the LWC. A written approval from the LWC is required as a condition of approval.

Cemetery

It appears that only filling, not excavating is proposed within 25 feet of the existing cemetery. The owner of the cemetery should be determined, if possible, or easements associated with it. Access to the cemetery has been provided from the proposed cul de sac.

Traffic

Phase 2 must show the off site road improvements to Lantern and East Lantern Roads and an easement to provide adequate sight distance for vehicles turning the corner on Lantern Road at East Lantern Road, as specified in the master plan approval. The

easement must describe the property owners' and the Town's responsibilities.

Site Design/Plan

Two of the lots have less than the minimum buildable area due to zoning setbacks, wetlands and/or easements. These are the following:

- Lot 6 does not appear to have a sufficient building envelop to construct a house. The setbacks shown are incorrect. This lot cannot be approved as drawn.**
- Lot 10 contains less than 40,000 square feet of buildable area, as defined in the Subdivision Regulations. This lot is not approved in its present configuration as a part of Phase 2.**

The TRC feels that the engineer can redesign some of the lot lines to address this concern. A waiver for sidewalks is requested from the applicant.

The TRC feels that if the applicant can address all of the over concerns, the this phase advance to the public hearing stage during the next regularly scheduled Planning Board meeting in June

c. JCM Estates AP 26 Lot 2 Master Plan

- JCM, LLC Jenckes Hill Road Discussion / Approval**

This application is under the 2005 Subdivision Regulations and

represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the project's request for several subdivision regulation waivers. On May 11, 2006, the Master Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan must be made by September 8, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Master Plan Submission for JCM Estates Major Subdivision," on Jenckes Hill Road AP 26 Lot 2, in Lincoln, Rhode Island, prepared for JCM, LLC by Commonwealth Engineers & Consultants, dated December 2005. Other information received included a letter of water service availability from the Lincoln Water Commission dated May 5, 2004, a letter from Natural Resource Services, Inc. dated April 30, 2004 and a letter from Ecotones, Inc dated May 23, 2005. In addition, the applicant submitted an "Environmental and Community Impact Report" prepared by the above engineer dated December 2005 for the above

project.

Subdivision Regulation Waivers

The above referenced subdivision as presented requests three subdivision regulation waivers. The three waivers are as follows:

- 1. Width of Road – 24 feet wide**
- 2. Sidewalk requirement – no sidewalks**
- 3. Granite Curbing requirement – no curbing**

The TRC and Engineering Division and members from the Department of Public Works reviewed each of the above noted subdivision waivers and recommends that none of the requested waivers be granted. The proposed subdivision road is substandard. The subdivision regulations require a 30 foot wide paved roadway. The applicant is presenting a 24 foot wide paved roadway. The applicant does not present any reason or reasons for this waiver. Public roads narrower than 30 feet have been proposed by other applicants but substandard roads have not been approved in Town over the last 11 years. The local fire departments, the emergency director and the highway division all have concerns and issues with narrower roads for access, safety and maintenance. This standard has been in existence since 1995. A new public road would have to be designed according to the Town's subdivision regulations. A private road is not allowed within Town. Therefore, the TRC feel that a reduction of the road width standard is not acceptable to the Town. Denial of this waiver is recommended.

The subdivision regulations require sidewalks on at least one side of the roadway. The applicant is requesting a waiver of this standard. The TRC considered this waiver. The applicant does not present any reason as to the need for this waiver. The Planning Board has consistently reviewed and assessed the requirement for sidewalks for all applications involving new roads. This waiver has been granted in the past as well as denied. The TRC defers to the Planning Board as to granting this waiver.

The consultant for the developer noted that the applicant intends to request a waiver from the requirement for granite curbs. This standard has been in existence since 1995. This standard has been consistently required and enforced throughout the Town because of the significant, long term viability of granite curbing. It has been a policy of the DPW that all curbing material be granite. This policy also is extended to existing roads in need of curbing repair. Therefore, the TRC feels that a use of curbing material other than granite is not acceptable to the Town. Denial of this waiver is recommended.

Consistency with the Comprehensive Plan and Land Development and Subdivision Regulations

The Technical Review Committee feels that the project is inconsistent with the Lincoln Comprehensive Plan. The general and town wide goals, objectives and policies presented in the Comprehensive Plan

have created the basis for the development and establishment of the Town's Land Development and Subdivision Regulations (the Regulations). As presented in the Land Use element of the Comprehensive Plan, the Town of Lincoln has been successful at managing its land use development by following the Comprehensive Plan and the Zoning and Subdivision Regulations. The 2003 Comprehensive Plan Update points out that the pressure to deviate from these plans will become greater as the amount of available vacant land decreases. This project is a clear indication of the pressures the Town will be confronted with in the future (2003 Comprehensive Plan – Land Use Element).

Within Section 1 of the Subdivision Regulations, the general purposes of the regulations are presented. The regulations were developed and are maintained in accordance with RIGL 45-23 and the Lincoln Comprehensive Plan (which complies with RIGL 45.22.2) and the Lincoln Zoning Ordinance (which complies with RIGL 45.24-27 et seq.). The TRC reviewed the purposes that the regulations are intended to address and feel that this project does not promote or address several of these purposes. Specifically, the TRC feel that this project does not promote or address subdivision purposes number 2 – 5 (2005 Land Development and Subdivision Regulations, page 3).

- Purpose (2) - Promote high quality and appropriate design and construction of land development and subdivision - The project “does not promote high quality and appropriate design and

construction of land development and subdivision". It is not appropriate to accept the maintenance for a public road constructed for the sole purpose of creating one new house lot.

- Purpose (3) - Promote the protection of the existing natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment - The project does not "promote the protection of the existing and natural and built environment and the mitigation of all significant negative impacts of any proposed development on the existing environment" and does not "provide for adequate surface water runoff". The drainage is concentrated to a point source that is directed towards an abutters back lawn where a pool and shed are located. The cross culvert is not located to carry existing storm water flow from Jenckes Hill Road to the existing headwall.**

- Purpose (4) - Promote design of land development and subdivisions that are well integrated with the surrounding neighborhoods with regard to natural and built features, and which concentrate development in areas which can allow the best support for the appropriate uses by reason of natural characteristics and existing infrastructure - The project does not "encourage local design and improvement standards to reflect the intent of with regard to the physical character of the various neighborhoods and districts of the Town". Limerock village is a where the Town "seeks ways to use less land" for development.**

- Purpose (5) - Encourage local design and improvement standards to**

reflect the intent of the Lincoln Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the town – The project does not “Encourage local design and improvement standards to reflect the intent of the Lincoln Comprehensive Plan with regard to the physical character of the various neighborhoods and districts of the town”. The project is for the development of one road for one new house and one existing house. Limerock village is made up of neighborhoods. This project does not represent a neighborhood.

Wetlands/ Drainage

Natural Resource Services, Inc. performed a wetland’s delineation for the project area. According to their letter, there are no RIDEM jurisdictional wetlands located on site. This is not the same as a verification of wetlands from RIDEM. A letter of non-jurisdiction or an approved permit from RIDEM is required as a condition of the subdivision approval. This condition is consistent with most applications that come before the Planning Board.

Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site.

This property is at a low point on Jenckes Hill Road. Storm water runoff from the road discharges onto the property. Any construction including the proposed road would need to be designed to allow flow

to continue across and onto the property. A cross culvert is shown near the entrance of the road at Jenckes Hill Road. In order to effectively channel the drainage, the culvert needs to be within the state highway ROW, north of the stone wall so that the drainage will pass under the proposed road. This would have to be redesigned, reviewed, and accepted by the Town. Jenckes Hill Road is a State road and requires a Physical Alteration Permit from RIDOT for any new access or new land use. A PAP must be obtained as a condition of this subdivision approval. The drainage would need to be shown on the RIDOT Physical Alteration Permit (PAP) application.

The project is proposed to utilize two 'water quality units'. These units are usually used at the outlet from a detention basin, where the maintenance would be minor. As the first line water quality defense on a roadway, where sand, salt and debris would be trapped, it would be a significant maintenance issue for the Public Works Department. The proposed system is unacceptable to the Town who would ultimately have the responsibility of future maintenance.

The outlet from the drainage at the end of the proposed cul de sac is directed towards an abutter's back lawn where there could be an adverse impact to the lawn, a shed, a pool and the house. The outlet will have to be redesigned so it is directed away from the abutter's property.

Utilities

The new lot is shown to be connected to public water. The “Environmental and Community Impact Report” (report) states incorrectly that “the Town of Lincoln Public Water Supply” will service the additional subdivision lot. This is incorrect; the public water supply is the Lincoln Water Commission. While the existing lot is presently serviced by public water, service to an additional lot has not been obtained. The applicant received a letter stating that water is available from the Lincoln Water Commission. However, the letter is two years old. Approvals for water service are good for only one year. In addition, according to the letter, the service was not indicated, so no proposed water system could be approved. Availability of public water and service to the proposed lot is required as a condition of subdivision approval. The developer must obtain a permit from Narragansett Bay Commission for the sewer discharge. This permit is required as a condition of the subdivision approval.

Proposed Right-of-Way

The configuration of the road would leave an irregularly shaped piece of land and not the standard 10 foot wide right of way (ROW) or “sidewalk” area. This odd-shaped parcel proposed to be given to the Town is not acceptable to the Town. The Department of Public Works (DPW) is ultimately responsible for maintaining the road ROW; this area does not meet the standard configuration. The Town has had experience with irregular additions to the ROW and found that such

areas represent a long term maintenance problem and result in an undue burden to the Town and the neighbors located near the parcel of land.

Site plan and design

Due to the known seasonal high groundwater in this area, a condition of any subdivision approval should also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator. A certified seasonal high groundwater elevation must be established prior to the release of any building permits. This condition is consistent with the recommendations that the Engineering Division has requested for other new subdivisions.

The driveway for the original house must be closed off if there is a new driveway proposed off of the proposed roadway. This must be stated on the plans. The TRC recommends that the applicant recheck the setback requirements with the Zoning Enforcement Officer. The TRC feels that the setback may not be correct. The existing shed on the original lot does not conform to the current zoning requirements. The shed would either have to be removed, relocated or receive zoning relief in order to meet current zoning regulations. The TRC recommends that the shed be removed, relocated, or a dimensional variance be granted as a condition of approval.

Following the above noted analysis of the proposed project, the

Technical Review Committee finds that it would be extremely difficult for the applicant to successfully address all or even most of the presented concerns. Therefore, the Technical Review Committee recommends that this Master Plan application be denied.

**d. Marcoux / Gilmore Subdivision AP 15 Lot 47 Master Plan
- Kevin Marcoux Reservoir Avenue Discussion / Approval**

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. The proposed project is classified as a Major Subdivision due to the project's request for one subdivision regulation waiver of the 2 ½ to 1 lot to width ratio. On April 25, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations, the Planning Board shall, within one hundred twenty (120) days of certification of completeness, or within such further time as may be consented to by the applicant, approve the master plan as submitted, approve with changes and /or conditions, or deny the applicant, according to the requirements of Section 8. A decision on the Master Plan must be made by August 23, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division have reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The

submission includes a set of plans entitled “Preliminary Plan” and “Record Plan” AP 15 Lot 47, Reservoir Avenue in Lincoln, Rhode Island, prepared for Kevin Marcoux by Marsh Surveying Inc., dated April 20, 2006. Other information received included a photograph of the driveway opening and notification of sewer availability from the sewer supervisor.

Wetlands/ Drainage

No wetlands appear to be present on the property and none were located by the surveyor, as noted on the plan. The drainage on Reservoir Avenue has existing problems. In order to prevent any adverse impact to the existing properties and the road, the Engineering Division recommends that the new house must have onsite drainage attenuation such as dry wells to capture the roof runoff as a condition of any approval. The subdivision plan shows a proposed dry well. Building plans will need to show the manufacturer’s installation specifications and detail. A condition of any approval should also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator.

Erosion controls

Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site. Any construction entrances will also need to have stone construction pad, unless the existing asphalt

driveways are used as entrances.

Utilities

The new lot is proposed to be connected to public water and sewer. The sewer supervisor has stated that public sewers are available. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge as a condition of approval. The applicant has applied for approval for water service to the proposed new lot from the Lincoln Water Commission (LWC). Per a telephone conversation with LWC staff, the plan for water service was initially not approved, however, the applicant will be submitting a new plan. The applicant must obtain approval for the new service as a condition of this subdivision.

Subdivision Waiver

As noted above, the proposed subdivision would require a waiver of the subdivision regulation of the 2 ½ to 1 lot to width ratio. The TRC reviewed this request and determined that the request is due to existing physical constraints of the lot. Currently, the lot contains a large amount of ledge within the front portion of the site. The application contains a photograph of the existing ledge outcropping. The proposed design represents a realistic solution to this constraint. The applicant could eliminate the waiver but significant ledge would have to be removed and the existing driveway would have to be reconfigured. The TRC feels that the proposed design and requested waiver is realistic and represents good land development. Therefore,

the TRC recommends that the waiver be approved.

Record plan

Granite bounds must be shown on the final plan marking the location of the new property corners. The issue of the abutter's fence located on the property must be resolved by the owner.

Based on the above noted minor concerns, the TRC feels that the application has been developed and fulfills, the requirements of a preliminary plan submission. Therefore, the TRC recommends that the application stages be combined to Preliminary Plan and the application be set for a Public Hearing during the next meeting.

Minor Subdivision Review

a. 838 Lower River Road AP 29 Lot 80 Preliminary Plan

- Susan and Charles Dean Lower River Road Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two conventional single-family lots. Both lots are accessed from an existing road. The subject lot contains approximately 1.09 acres of land and is located in zoning district RL-9 (9,000 square feet – Residential Limited).

On May 3, 2006, the Preliminary Plan submittal for the above noted project received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “if no street creation or

extension is required, the Planning Board shall approve, deny, or approve with conditions, the preliminary plan within sixty five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 8 herein. Therefore, a decision on the Preliminary Plan review must be made by July 7, 2006 or within such further time as may be consented to by the applicant.

The Technical Review Committee and the Engineering Division has reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations preliminary minor plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled "Preliminary Minor Subdivision" AP 29 Lot 80, Lower River Road in Lincoln, Rhode Island, prepared for Ernest Yelle & Susan Dean by Marsh Surveying Inc., dated February 15, 2006. Other information received included notification of sewer availability from the sewer supervisor.

Wetlands/ Drainage

No wetlands appear to be present on the property and none were located by the surveyor, as noted on the plan. There are no drainage structures in the street adjacent or nearby on Lower River Road. In order to prevent any negative impact to existing properties or the road, the Engineering Division recommends that the new house have onsite drainage attenuation such as dry wells to capture the roof runoff as a condition of any approval. The subdivision plan shows a proposed dry well. Building plans will need to show the

manufacturer's installation specifications and detail. A condition of any approval should also include the specification that no finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator.

Erosion controls

Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on site. Any construction entrances will also need to have stone construction pad, unless the existing asphalt driveways are used as entrances.

Utilities

The new lot is proposed to be connected to public water and sewer. The sewer supervisor has stated that public sewers are available. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge. The applicant has applied for approval for water service to the proposed new lot from the Lincoln Water Commission (LWC). The applicant must obtain approval for the new service as a condition of this subdivision.

Record plan

Granite bounds must be shown marking the location of the new property corners.

Based on the TRC's review and if the applicant accepts the above noted conditions of approval, the TRC recommends Preliminary Minor Plan Approval with Conditions. The TRC also recommends that final plan approval be delegated to the Administrative Officer.

The conditions are as follows:

- 1. The new house shall have onsite drainage attenuation such as dry wells to capture the roof runoff. Building plans will need to show the manufacturer's installation specifications and detail.**
- 2. No finished floors or basements shall be constructed at or below the seasonal high groundwater elevation, as located by a certified soil evaluator.**
- 3. The applicant must obtain a permit from Narragansett Bay Commission for sewer discharge.**
- 4. The applicant has applied for approval for water service to the proposed new lot from the Lincoln Water Commission (LWC). The applicant must obtain approval for the new service.**
- 5. Granite bounds must be shown on the final plan marking the location of the new property corners.**

Comprehensive Permit

- a. Manville Crossing AP 37 Lot 73 Comprehensive Permit Review
- Jerry Sahagian Central and Spring Street Discussion / Approval**

This application is to be reviewed under RIGL 45-53 as amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled "An

Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”.

This application represents the subdivision of one lot into three lots. The current parcel contains three buildings and associated parking. Each building contains three dwelling units for a total of nine dwelling units. The buildings, parking and public infrastructure are all existing. This proposal entails subdividing the property into three lots thereby permitting greater latitude in the usage and marketability of the separate properties. The present configuration renders rehabilitation and homeownership difficult considering financial institutions treat properties such as this one as commercial apartment complexes unlike triplexes that are defined as residential dwelling units.

In order to accomplish the above subdivision, numerous subdivision waivers and zoning relief would be required. Therefore, the property owner is proposing a Comprehensive Permit with the establishment of three affordable housing units – one unit per building. While Comprehensive Permits have been controversial in the past, this unique proposal represents the conversion of already existing buildings and infrastructure. No new construction is proposed. Any community services are presently being furnished by the Town to the residents of the complex.

The Technical Review Committee and the Engineering Division has reviewed the above proposed subdivision according to RIGL 45-53 as

amended, the Lincoln Comprehensive Plan, Lincoln Affordable Housing Production Plan and the recently amended Town ordinance entitled “An Ordinance Establishing an Application and Administrative Procedures for Filing a Comprehensive Permit in Accordance with the State of Rhode Island Low and Moderate Income Housing Act – RI General Law 45-53”, the 2005 Land Development and Subdivision Regulations master plan submission standards and requirements and standard engineering practices. The submission includes a plan entitled “Preliminary – Lincoln Manville, RI – Minor Subdivision of Land for Gina M. Sahagian & Tina T. Grilli – Class 1 Survey of AP 37 Lot 73, Central Street & Spring Street by Marsh Surveying Inc. – Dated December 5, 2005” and narrative report by Edward Pimentel, AICP entitled, Comprehensive Permit Application – Three-Lot Minor Subdivision Application – Existing 9 units – Three-Units per Lot, Respectively – Intersection of Central Street and Spring Street, Lincoln RI Assessor’s Plat 37, Lot 73”

The TRC reviewed this application in light of the Town’s Affordable Housing Production Plan. As outlined in this plan, the town has several tools it can use to encourage the establishment of affordable housing. One such tool is Comprehensive Permits. Comprehensive permitting has been controversial in the Town of Lincoln. Before the moratorium on comprehensive permit applications by for-profit developers was passed by the state legislature, developers had used the comprehensive permit process to propose large developments with 100% density increases and 20% affordable housing. However, depending on the situation and how it is used, comprehensive

permitting can be an asset and useful tool for a municipality. There are a number of examples of affordable housing developments throughout the State that have utilized the comprehensive permit process in a way that is beneficial to both the developer and the town. Comprehensive permitting provides flexibility and allows a Town to negotiate with developers to reach an agreement acceptable to both parties. The Town can offer a limited density increase or other incentives, such as relief from zoning or subdivision regulations such as parking, set back requirements, and curbing, in exchange for a percentage of the development being set aside for affordable housing. The Town may designate certain areas as suitable for affordable housing developments, in a density greater than that allowed by current zoning. Even if a developer is not seeking relief, comprehensive permitting offers an expedited review process that can save a developer time and money in reduced holding costs, interest, and taxes in exchange for a percentage of affordable units being built within the project.

The Lincoln Town Council has passed an ordinance specifying procedures for applying for a comprehensive permit. This ordinance establishes a Certificate of Completeness process, which lists the items to be included in a comprehensive permit application. On May 2, 2006, the application received a Certificate of Completion. RI General Law does not specify a timeframe for review and approval of Comprehensive Permits. The TRC recommends that this and future Comprehensive Permits follow the review process for Preliminary Plan stage subdivisions and also be presented to the Zoning Board

for an advisory opinion.

Based on the TRC review of this submitted plans and report and the above noted State law and Town ordinances, the following concerns are presented below.

Wetlands/ Drainage

No new construction is proposed. This project represents existing buildings and public infrastructure.

Erosion controls

No new construction is proposed. This project represents existing buildings and public infrastructure.

Utilities

No new construction is proposed. This project represents existing buildings and public infrastructure.

Record plan

Based on a site visit and the submitted site plan, two mature maple trees will have to be removed to accommodate the proposed parking. The TRC recommends that three new trees be planted on the site in order to replace the existing trees. The TRC recommends that the title of the plans be changed to read “Comprehensive Permit – Lincoln Manville, RI – Minor Subdivision of Land for Gina M. Sahagian & Tina T. Grilli – Class 1 Survey of AP 37 Lot 73, Central Street & Spring Street by Marsh Surveying Inc. – Dated ____”. The TRC

recommends that a final site plan be developed showing the proposed trees and locations of all existing public infrastructure and a final record plan with only the proposed property lines.

Zoning Board Review

The TRC recommends that this Comprehensive Permit be presented by the applicant to the Zoning Board for an advisory opinion.

Public Hearing

The TRC recommends that the applicant present the Comprehensive Permit in June during a public hearing.

Major Land Development Review

a. Nafta Mill AP 34 Lot 14 Final Land Development

- A. F. Homes Old River Road Plan Discussion / Approval

This application is under the 2005 Subdivision Regulations and represents the residential development of up to 41 condominium units. The subject lot contains approximately 7.66 acres of land and is located in zoning district RG-7 (Residential General). The proposed condominium project is to be serviced by public water and sewer. The buildings will be serviced by a private driveway. No new roadway is proposed.

On October 26, 2005, the project received Preliminary Plan approval with conditions.

The Conditions are as follows:

- 1. The RIDEM Settlement Agreement and work plan must be approved by RIDEM and submitted to the Town for review as a condition of preliminary plan approval. No construction can be allowed until the work plan is approved.**
- 2. The project will require a Physical Alteration Permit from RIDOT for access to the property.**
- 3. The development is required to obtain approval from the Narragansett Bay Commission as a condition of preliminary approval.**
- 4. The project will require a RIDEM wetlands permit as a condition of approval.**
- 5. The developer is required to provide an independent professional engineer to oversee the installation of the URS systems for this project. Special attention must be given to the review and approval of the geotech fabric before installation.**

To date, the applicant has successfully supplied the Town with the Physical Alteration Permit from RIDOT for access to the property, the Narragansett Bay Commission permit for the project, and an approved RIDEM wetlands permit. The applicant has expressed to the Town and to the Planning Board that they will supply an independent professional engineer to oversee the installation of the URS systems for this project. The Town is still waiting for a RIDEM approval letter for the proposed DEM Settlement Agreement and work plan. Therefore, the TRC recommends that no action be taken at this time.

Bond Review – Release / Reduction

a. Cider Mill Estates AP 23 Lots 118 and 206 Bond Reduction

- Robert J. Bouthillier Cider Mill Lane

A cash remediation bond of \$50,000.00 was set at preliminary plan approval for the above project. This amount included \$21,000.00 for the retaining wall. This retaining wall was successfully installed. Therefore, the Technical Review Committee recommends that the amount of the bond for the retaining wall (\$21,000.00) be released back to the developer. The remaining bond amount will be \$29,000.00.

b. Lincoln Reserve AP 41 Lots 73 and 12 Bond Release

- Toll Brothers Albion Road

A cash remediation bond of \$20,300.00 was set at preliminary plan approval for the above project. The Engineering Division inspected the site and determined that the site is adequately stable. Therefore, the Technical Review Committee recommends that the full remediation bond of \$20,300.00 be released back to the developer.

Zoning Applications (*) - May Zoning Applications

Omnipoint Communications, Inc., 50 Vision Boulevard, East Providence, RI/St. James Church Corp., 33 Division Street, Manville, RI – Use Variance for the installation, operation and maintenance of a wireless communications facility on property located at 33 Division Street, Manville, RI.

AP 37, Lot 198 Zoned: RG 7

Members of the Technical Review Committee visited the site and reviewed the submitted project plans and application. The TRC recommends Approval of this application. The proposed project represents the installation, operation and maintenance of a wireless communications facility on the property. The applicant is proposing to install color and texture coordinated telecommunication antennas onto the church steeple. The antennas measure approximately 4” deep by 12” wide by 72” long. The applicant proposed to install three antennas to the steeple. All other equipment will be located within the existing church facility. Based on a site visit, the TRC feels that the applicant presents a realistic site layout that meets the intent of the zoning with special consideration given to the Article 11.A.7.14. The TRC feels that the telecommunication installation will not be

detrimental to the surrounding residential neighborhood. The Technical Review Committee feels that the use variance will not alter the general character of the surrounding area and will not impair the intent or purpose of the zoning ordinance, nor the Comprehensive Plan.

Omnipoint Communications, Inc., 50 Vision Boulevard, East Providence, RI/St. James Church Corp., 33 Division Street, Manville, RI – Dimensional Variance for front and rear yard setback and height relief for the installation, operation and maintenance of a wireless communications facility on property located at 33 Division Street, Manville, RI. –

AP 37, Lot 198 Zoned: RG 7

The proposed dimensional variances are to clear up the pre-existing nonconformance of this parcel of land. This lot and existing building was platted and developed before present day zoning regulations. The Technical Review Committee recommends Approval of this application. The TRC finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.

Keith E. Beck, 8 Bridle Drive, Lincoln, RI – Dimensional Variance for side yard setback and lot coverage variance for the construction of an addition.

AP 26, Lot 133 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends Denial of the application for a dimensional variance. The Committee feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The TRC feels that the applicant has sufficient room to the rear of the property to locate an addition without having to request a variance. The Technical Review Committee feels that the dimensional variance will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

Antonio A. Cruz, 4 Titus Avenue, Cumberland, RI – Dimensional Variance for front, side and rear yard setbacks for the construction of a single family home dwelling for property located on Olney Avenue, Lincoln, RI..

AP 17, Lot 91 Zoned: RS 12

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends Denial of the application for several dimensional variances. The Committee feels that the application does not meet any of the

standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. The TRC feels that the applicant has sufficient room to the rear of the property to build a house. The Technical Review Committee feels that the dimensional variances will alter the general character of the surrounding area and will impair the intent and purpose of the zoning ordinance and the Comprehensive Plan.

David Uttley, 20 Dexter Rock Road, Lincoln, RI – Dimensional Variance for front yard setback for the installation of pre-cast concrete stairs.

AP 23, Lot 20 Zoned: RA 40

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The TRC recommends Denial of the application for a dimensional variance. The Committee feels that the application does not meet the standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the TRC feels that the site plan and application does not represent the least relief necessary. The TRC feels that the applicant can redesign and rebuild the existing landscaped area and retaining wall. The Technical Review Committee feels that the applicant is creating the need for a dimensional variance by removing the existing landscape and proposing a staircase.

Correspondence/Miscellaneous (*)

a. Staff Reports

b. Final Plan Approved AP 22 Lot 40 Great Road

On May 3, 2006, the applicant presented documentation that he successfully addressed all of the conditions of approval and final plan requirements. Therefore, final plan was granted for this two lot subdivision.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

Administrative Officer to the Planning Board